

Corcoran State Prison

P.O. Box 3476

Corcoran, CA 93212

FILED

JUL 21 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

4 Monte L. Haney
5 Petitioner
6 v.
7 Derral J. Adams, warden
8 Respondent

C 07-4682 CRB (PR)
MOTION IN OPPOSITION TO THE
DEPUTY ATTORNEY GENERAL'S
MOTION FOR AN ENLARGEMENT
OF TIME

9 Petitioner is hereby filing a Motion in opposition
10 to Deputy Attorney General's motion for an enlargement
11 of time.

12 On January 11th 2008 the honorable Judge Charles R.
13 Breyer issued an order to show cause in this matter
14 and directed the Deputy Attorney General Michele
15 J. Swanson to answer the Petitioner's writ of
16 Habeas Corpus within 60 days of the order to
17 show cause.

18 On March 11 2008 the Deputy Attorney General filed
19 a Motion for a 60 day enlargement of time which
20 was granted by the honorable Judge Charles R.
21 Breyer on March 18, 2008.

22 On May 12, 2008 the Deputy Attorney General
23 filed a second Motion for a 60 day enlargement
24 of time in which the Judge denied as "moot"
25 and ordered the Deputy Attorney General to
26 answer the Petitioner's writ of Habeas Corpus
27 no later than July 11, 2008.

1 of 2

1 on July 9 2008 the Deputy Attorney General filed
2 a third motion for Enlargement of time
3 that Request an extension of 30 days to
4 obtain documents.

5 the Attorney General Admits that the documents
6 that she needs will be delivered on July 9 or
7 July 10 2008. the Deputy Attorney General also
8 Admit's that she has largely completed the
9 response to this case.

10 Petitioner would like to stipulate to the Court
11 that the Deputy Attorney General has Received
12 Six months to file an answer in this matter
13 which is a substantial amount of time, to
14 obtain the documents that are needed in
15 this matter. it is the Petitioner's contention
16 that it is unnecessary for the Deputy Attorney
17 General to Receive a 30 day extension of
18 time for documents that she Admit's that she
19 will receive on the same day she Request a 30
20 day extension of time or the day After. Also
21 Petitioner would Like to Point out to the Court
22 that the Attorney General's second Request for
23 enlargement of time was Denied as "moot"
24 on may 15 2008.

25 for the reasons stated herein the Deputy
26 Attorney General's third Request for an
27 extension of time Should be denied.

Date: 7-13-08

Mark Howard
in Pro Per

Monte L. Haney V. FLOREZ 4A-2R-34
 Corcoran State Prison
 P.O. Box 3476
 Corcoran, CA 93212

Monte L. Haney
 Petitioner
 v.
 Derral G. Adams Warden
 Respondent

C07-4682 CRB (PR)
 Declaration of Monte Haney
 in Support of Motion in Opposition
 of Deputy Attorney General's motion
 for enlargement of time

- 1) I am the Petitioner in this Matter.
- 2) Attached with this Declaration is a Motion in
 opposition to the Deputy Attorney General's motion
 for enlargement of time.
- 3) On July 11, 2008 Petitioner Received in the
 U.S. Mail a third Request for an enlargement
 of time from the Deputy Attorney General Michele
 J. Swanson.
- 4) On July 9 2008 the Deputy Attorney General
 asked for an enlargement of time to obtain
 documents.
- 5) Simultaneously the Deputy Attorney General
 Admits that She will obtain the documents
 on the same day that she Requested the enlarg-
 ement of time or the day after.
- 6) the honorable Judge Charles R. Bryer
 issued a motion For order to show cause
 in this matter six months ago on Jan.
 11, 2008.
- 7) the Deputy Attorney General's Previous Request
 for an enlargement of time was Denied as "moot."
- 8) on May 15 2008 the honorable Judge Charles

1 R. Breter issued a court order and directed the
 2 Deputy Attorney General to file a answer to
 3 Petitioner's writ of Habeas Corpus no later than
 4 July 11 2008.

5 9) the Deputy Attorney General still has not
 6 filed an answer in this matter as the
 7 honorable Judge Charles R. Breter directed.
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22 Pursuant to 28 U.S.C. § 1746 I declare under the
 23 penalty of Perjury the foregoing is true and
 24 correct.

25

26

27

Date: 7-13-08

Marta Ana
 in Pro Per

92 of 2

PROOF OF SERVICE BY MAIL

I, Monte Hane'Y, declare that I am over 18 years of age, and a party to the attached herein cause of action, that I reside at California State Prison at Corcoran, in the County of King, California.

My mailing address is: P.O. Box 3476, Corcoran, CA
93212

On 7-13, 2008 I delivered to prison officials for mailing, at the above address, the attached: Motion in opposition to
the Deputy Attorney General's motion
for enlargement of time.

in sealed envelope(s), with postage fully prepaid, and addressed to the following:

(1) clerks office (2) _____
U.S. District court - No. Dist of CA
450 Golden Gate Ave, 16th floor
San Francisco, CA 94102

(3) _____ (4) _____

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 13 day of July, 2008, at California State Prison, Corcoran.

Monte Hane'Y
In Pro Per

Monte Hanel V-72062 4A-2R-59
CORCORAN State Prison
P.O. Box 3476
CORCORAN, CA 93212

CORCORAN STATE PRISON

Attn: Th

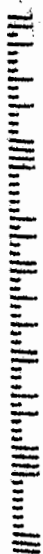
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U.S. District Court - No. Dist. of CA
450 Golden Gate Avenue, 16th floor
San Francisco, CA 94102

STATE
PRISON
CORCORAN

RECEIVED JUL 18 2008

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